



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

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**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

## MEMORANDUM

TO: PUBLIC WORKS COMMISSION  
FM: CHAPIN SPENCER, DIRECTOR  
DATE: NOVEMBER 6, 2014  
RE: PUBLIC WORKS **SPECIAL** COMMISSION MEETING

Enclosed is the following information for the meeting on November 12, 2014 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Consent Agenda
3. Review Open Meeting Law Requirements
4. Municipal Garage Use Authorization
5. Minutes of 10-15-14

**Non-Discrimination**

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



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**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

## **M E M O R A N D U M**

To: Amy Bovee, Clerks Office  
From: Chapin Spencer, Director  
Date: November 6, 2014  
Re: Public Works Commission Agenda

Please find information below regarding the next **Special** Commission Meeting.

Date: **November 12, 2014**  
Time: 6:30 – 9:00 p.m.  
Place: 645 Pine Street – Main Conference Room

## **A G E N D A**

### **ITEM**

- 1 Agenda
- 2 5 Min Election of New Commission Chair
- 3 5 Min Recognition of Outgoing Chair Nathan Lavery
- 4 10 Min Public Forum
- 5 5 Min Consent Agenda
  - 5.10 Residential Parking Permits for Fletcher Place
  - 5.20 Summit Ridge Resident Parking for Cliff St Residents
  - 5.30 Overlake Park Parking Restrictions
  - 5.40 49 Curtis Ave Trades Appeal – Continuance
- 6 20 Min Review Open Meeting Law Requirements
  - 6.10 Communication, E. Bergman
  - 6.20 Discussion

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- 7    15 Min    North Champlain St Speed Bump Update
  - 7.10    Oral Communication. Baldwin
  - 7.20    Discussion
  
- 8    10 Min    Municipal Garage Use Authorization
  - 8.10    Communication, P. Buteau
  - 8.20    Discussion
  - 8.30    Decision
  
- 9    15 Min    Cliff St Sidewalk Update
  - 9.10    Oral Communication, G. Gomez
  - 9.20    Discussion
  
- 10   5 Min    Minutes of October 15, 2014
  
- 11   10 Min    Director's Report
  
- 12   10 Min    Commissioner Communications
  
- 13            Adjournment & Next Meeting Date – December 17, 2014



## MEMORANDUM

November 03, 2014

**TO:** Public Works Commission  
**FROM:** Damian Roy, DPW Engineering Technician *DIR*  
**CC:** Norman Baldwin, City Engineer  
**RE:** Residential Parking Permits for Fletcher Place

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### Background:

Staff received a request from Ms. Martha Lang in regards to the tenants to her rental properties located at 132, 140, and 146 Colchester Avenue. Previously, Ms. Lang had requested and was granted Resident Only Parking Permits for these units on Colchester Avenue. This request was granted and adopted on December 12<sup>th</sup>, 2013. Ms. Lang states that the current parking solution for her tenants is inadequate as they currently have to park about a half mile up Colchester Avenue and she has expressed concern about her female tenants walking at night. Ms. Lang would like to request a total of four (4) Resident Only Parking Permits for Fletcher Place, but will settle for two (2) specifically for her female tenants.

### Observations:

Fletcher Place is a two-way commercial/residential mix use street that ends in a cul-de-sac. Currently there is no parking allowed at any time on the east side, and Resident Only Parking on the west side. There are thirteen (13) residences on Fletcher Place. Staff has conducted plate counts on Fletcher Place to help determine the level and type of use on that street. Fletcher Place has been determined to have enough linear curb line to accommodate approximately eighteen (18) vehicles. An average of thirteen (13) vehicles have been determined to be parked on Fletcher Place at any given time representing 70% of the total parking space available on Fletcher Place. At most, staff has recorded seventeen (17) spaces occupied and eleven (11) at the least. An average of three (3) of these spaces are occupied by transient parkers. See the attached document for specific volumes and types of use.

*NB 11/5/14*

**Conclusion:**

Increasing residential parking on Fletcher Place by four (4) would bring the daily average up to seventeen (17) of its eighteen (18) available parking spaces. This would likely create regular issue with Fletcher Place residents' parking. Increasing residential parking by two (2) would have less impact.

**Recommendation:**

- Staff recommends that the commission deny Ms. Lang's request for eligibility of Resident Only Parking Permits on Fletcher Place for her tenants of 132, 140, and 146 Colchester Avenue.

## Inspector: D. Roy

[illegible]

Martha R. Lang, Ph.D.  
138 Colchester Avenue  
Burlington, VT 05401  
(802) 862-1094

October 19, 2014

Damian Roy  
Department of Public Works  
Pine Street  
Burlington, VT 05401

**Re: Extending Residential Parking for 132, 140, and 146 Colchester Avenue to Include Fletcher Place**

Dear Mr. Roy:

Would you please consider extending the residential parking zone for three houses I own on Colchester Ave. ( 132, 140, and 146) to include Fletcher Place? The following five problems are some of the reasons I am asking for these houses to have residential parking on Fletcher Place:

My tenants are telling me:

1. Their cars are being damaged by passing traffic.
2. AAA refuses to jump start cars because of safety issues with the amount of traffic.
3. Getting to the Colchester Ave parking during rush hours adds at least ten to fifteen minutes to their drive time.
4. There are serious safety issues for the young ladies including walking home late at night and ice and snow on the streets and sidewalks in the winter.
5. Despite claims to the contrary, there appears to be ample parking on Fletcher Place.

I appreciate you giving this matter your immediate attention.

Thank you.

Sincerely,

Martha Lang.

## Damian Roy

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**From:** Marthalang@aol.com  
**Sent:** Sunday, October 19, 2014 3:29 PM  
**To:** Damian Roy  
**Subject:** Re: Residential Parking for 132,140 1nd 146 Colchester on Fletcher Place  
**Attachments:** 4 DPW parking.pdf

Damian:

I am attaching a formal letter requesting residential parking on Fletcher Place for three of my house on Colchester Ave. and some of the reasons. If you have any questions please let me know. I deeply appreciate you giving this matter your immediate attention.

Thank you.

Martha

In a message dated 10/17/2014 8:44:50 A.M. Eastern Daylight Time, [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov) writes:

Martha,

Could I get a formal request in writing containing as much information as you can provide regarding your need and your suggested solution? It should also include your contact information, phone number and address. This will enable me to enter this in the Request For Service (RFS) system so that your request doesn't get lost or forgotten.

Thank you,

Damian

Damian Roy, Engineering Technician

Burlington Public Works Department

645 Pine St. Burlington VT 05401

Desk: 802.865.5832

Cell: 802.563.5353

Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)



Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

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**From:** [Marthalang@aol.com](mailto:Marthalang@aol.com) [<mailto:Marthalang@aol.com>]

**Sent:** Thursday, October 16, 2014 12:31 PM

**To:** Damian Roy

**Subject:** Re: Residential Parking for 132,140 1nd 146 Colchester on Fletcher Place

Damien:

It was very nice to meet you. I hope we can work together to solve the parking situation for my tenants. Even if it was only one pass for the two apartments at 132 Colchester it would help.

Thank you.

Martha



## MEMORANDUM

October 31, 2014

**TO:** Public Works Commission

**FROM:** Damian Roy, DPW Engineer Technician *DR*

**CC:** Norman Baldwin, City Engineer  
Guillermo Gomez, DPW Engineer

**RE:** Summit Ridge Resident Parking for Cliff Street Residents

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### Background:

The Cliff Street Sidewalk Improvements Project is entering its final design stage. The Department of Public Works is tasked with helping the residents of Cliff Street resolve their parking needs affected by the Sidewalk Project and to avoid impacting existing trees in the greenbelt and further expansion of impervious surfaces. Five (5) households on Cliff Street between Summit Ridge and Summit Street will lose their on-street parking during and upon completion of the sidewalk construction tentatively set to begin spring of 2015. These households are 125, 135, 144, 145, and 155 Cliff Street.

### Observations:

Cliff Street is a two-way residential use street with Resident Only parking along the south side. Four (4) out of the five (5) households that will be affected by the Cliff Street Sidewalk Project have single car driveways and rely on the on-street parking spaces to supplement their parking needs. The Cliff Street Sidewalk Project will eliminate this on-street parking for these residents. Summit Ridge is a nearby connecting dead-end residential use street. Staff has conducted plate counts on Summit Ridge to help determine the level and type of use on that street. Summit Ridge has been determined to have enough lineal curb line to accommodate approximately fifty-eight (58) vehicles. An average of three (3) vehicles have been determined to be parked on Summit Ridge at any given time representing 5% of the total parking space available on Summit Ridge. Being a dead-end street, Summit Ridge is determined to be a safer street for parking due to the absence of through traffic. Staff also conducted public outreach via

*NB 11/5/14*

flyers to the residents of Summit Ridge (see attached document) to solicit their opinion. In response we've received five (5) households in favor of granting full time Resident Only parking permits to Cliff Street residents and one (1) household in favor of granting limited Resident Only parking permits between 6AM to 6PM.

**Conclusions:**

Residents of Cliff Street will need an option to supplement their loss of parking during and upon completion of the Cliff Street Sidewalk Project. Residents of Summit Ridge have provided feedback that indicates the majority of residents on that street would be in favor of granting Cliff Street residents Resident Only Parking Permits on Summit Ridge.

**Recommendations:**

Staff recommends that the Commission adopt:

- The granting of Resident Only Parking Permits on Summit Ridge to residents of 125, 135, 144, 145, and 155 Cliff Street.



## Dear Summit Ridge Residents,

The Department of Public Works has been working with the neighborhood to advance the Cliff Street Sidewalk Project. As you may be aware the proposed segment of sidewalk along cliff street between Summit Ridge and Summit Street requires parking on the south side to be eliminated. In our latest meeting with the neighborhood, residents along this section expressed concern regarding the loss of parking. To mitigate this impact a number of residents had proposed that the city establish within the traffic regulations that the residents of Cliff Street between Summit Ridge and Summit Street (5 Households) become eligible for residential parking permits on Summit Ridge. The residents of Summit Ridge present were supportive of the proposal. It was the Department of Public Works task to do outreach to all residents of Summit Ridge to gauge their support or opposition to this concept. Your feedback will be used in our deliberation as to how if at all possible we can collectively mitigate the parking impacts of the project. Please respond via email or phone by November 1st.

Thank you!

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Wednesday, October 29, 2014 8:39 AM  
**To:** 'Gerber, Judith R.'  
**Cc:** Guillermo Gomez  
**Subject:** RE: cliff street sidewalk

Mrs Gerber, Mr. Bisson,

Thank you for your response. It is important to us that we gather and give respect to as much residential feedback to this project as we can. I acknowledge your concerns about safety and about the timeline and as I become more familiar with the project (I began with DPW in September) I've learned more about what has been going into this project to help it become reality. This question regarding residential parking on Summit Ridge is an important one now, but it hasn't been what has caused delay previous to now. To my knowledge, much of the delay has been with resident opposition and project redesign as a result. I've spoken with the DPW engineer for this project and he feels that construction should commence this spring if everything goes as planned.

I know that is small consolation to folks like yourselves that have been in favor of this project and have waited so long.

Much regards,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
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Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: Gerber, Judith R. [<mailto:Judith.Gerber@vtmednet.org>]  
Sent: Wednesday, October 29, 2014 6:44 AM  
To: Damian Roy  
Subject: cliff street sidewalk

Mr. Roy,

It is fine with my husband and I that you grant parking permits to Cliff street residents affected by the sidewalk.

What amazes us is that the city continues to delay the construction with such questions as this which could have been asked in 2011!

We were first promised the construction of this sidewalk in the summer of 2011. The fourth summer has just evaporated with only talk and more talk. We are two of the many over 70 year olds who walk down that street almost every day to

go downtown, and do hope that you will make it a priority to fulfill your promise before a pedestrian is killed or seriously hurt by lack of protection.

Sincerely,

Judith Gerber, PhD  
John Bisson, MD

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## Damian Roy

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**From:** Damian Roy  
**Sent:** Thursday, October 30, 2014 4:26 PM  
**To:** 'Ann Tuck'  
**Cc:** Guillermo Gomez  
**Subject:** RE: Cliff Street Sidewalk Project

Hello Ann,

Thank you for your response and openness to allowing these residents of Cliff Street to park on Summit Ridge. I personally agree that under normal circumstances these residents will not impact the parking on Summit Ridge very much, however this is an unsubstantiated statement and I must focus on empirical numbers when presenting these options to both the public and the Public Works Commission. I too am concerned that Summit Ridge residents who oppose this option will delay the projects progression, but all residents must be given an equal say in this process. I also appreciate your suggestion regarding parking on Summit Street and Overlake Park, but these streets have their own separate parking challenges and are not currently candidates for this consideration. Summit Ridge is a better option as it is a dead end street with no through traffic and currently has very little on-street parking.

I am sympathetic to your need for safe sidewalk access. Several of your neighbors have expressed this as well. It is our hope that this issue can be resolved and that the Cliff Street Sidewalk Project can maintain its spring 2015 schedule.

Sincerely,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
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Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: Ann Tuck [<mailto:tuckann@gmail.com>]  
Sent: Thursday, October 30, 2014 3:02 PM  
To: Damian Roy  
Subject: Cliff Street Sidewalk Project

Hello Damian,

I was present at the latest neighborhood meeting concerning the Cliff Street Sidewalk program. At that time, I expressed strong support for the proposal to give the residents of Cliff Street between Summit Ridge and Summit Street (5 households) parking permits for use on other nearby streets. Both my husband and I continue to support this proposal.

We support this proposal because, most likely, these households would only use the permits intermittently when they need overflow parking in addition to their private garage(s) and driveways. I was disappointed that your letter to

Summit Ridge Residents did not point this out. Also, at least one, maybe two of these households might prefer permits for resident parking on Overlake to which they are physically closer. My worry is that the opposition of a few Summit Ridge residents over parking/permits could once again derail or delay the Cliff Street Sidewalk project.

Those of us who have supported the Cliff Street Sidewalk for so long continue to be concerned about our safety and that of our neighbors EVERY time we must walk up and down Cliff Street.

Ann and John Tuck  
43 Summit Ridge

Sent from my iPad



## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 10:03 AM  
**To:** 'Anita Rapone'  
**Cc:** Guillermo Gomez  
**Subject:** RE: Cliff St/Summit Rdg Parking

Hello Anita,

Thank you for your response and feedback. I can't comment on the particulars of the Cliff Street Sidewalk Project, it's design features and the reasons for those features. What I can comment on is the high level of scrutiny to the design and all the considerations that have been made to meet the affected resident's needs. If you wish to discuss design features I would direct you to Guillermo Gomez of Public Works who's has been copied on this email.

Thank you again for your feedback, and I hope your discussion with Mr. Gomez will satisfy your curiosities.

Regards,  
Damian

Damian Roy, Engineering Technician  
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645 Pine St. Burlington VT 05401  
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Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**From:** Anita Rapone [<mailto:raponeaj@plattsburgh.edu>]  
**Sent:** Thursday, October 30, 2014 3:33 PM  
**To:** Damian Roy  
**Subject:** Cliff St/Summit Rdg Parking

I'm responding to your flyer about the request to extend residential parking permits on Summit Ridge for residents on Cliff Street between Summit Rdg and Summit St.

I think this is a good solution to the problem of their loss of parking. Or perhaps they could be eligible for parking on Summit St. as well.

I must say that when I looked at the proposal for Cliff St, I thought it strange that the 3 blocks were treated differently. One block kept its parking, one block lost its parking, and the third block, with just one residence, got new parking spaces carved into the hillside. I sure wondered about that special treatment.

Anyway I would support extending parking on Summit Ridge to those five residences who lost their parking, and I would support extending that to the one house in the block between Summit Ridge and South Willard since it would save money on the project to not have to create those new spaces.

Anita Rapone  
83 Summit Ridge

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 11:36 AM  
**To:** 'Woodie Puretz'  
**Subject:** RE: Cliff St sidewalk

Mr. Puretz,

My apologies for not responding sooner. I appreciate your feedback on this matter and it is my goal to submit this item for the next Public Works Commission which meets on November 12th. I understand your feelings toward the situation at 99 Cliff Street but I cannot comment directly on it as this design decision was made prior to my involvement. I do know that a design change at this stage would result in significant delays in the sidewalk project which residents unanimously want to avoid. If you have questions regarding design features I would suggest speaking with Guillermo Gomez, the Public Works Engineer leading this project. He is copied on this email.

Regards,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: Woodie Puretz [<mailto:woodievt@gmail.com>]  
Sent: Tuesday, October 21, 2014 9:14 PM  
To: Damian Roy  
Subject: Cliff St sidewalk

I have no problems with my neighbors having access to Summit Ridge for parking. I am hoping , however, that my tax dollars are not funding parking for the folks at 99 Cliff St. They knew the situation when they bought the house and have chosen not to put in a driveway. Wouldn't we all like parking cut outs in front of our houses. My greatest concern, however, is the unsafe walking situation on Cliff St. Please make the sidewalk a reality this spring! Puretz at 63 Summit Ridge.

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 3:14 PM  
**To:** 'Anne Shapiro'  
**Cc:** Guillermo Gomez  
**Subject:** RE: parking

Anne,

Many thanks for your feedback. We at DPW also look forward to the successful completion of the Cliff Street Sidewalk Project.

Have a great weekend!

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**From:** Anne Shapiro [<mailto:acsburlington@gmail.com>]  
**Sent:** Friday, October 31, 2014 3:10 PM  
**To:** Damian Roy  
**Subject:** parking

Dear Mr. Roy,

I do not object to nearby Cliff Street residents parking on Summit Ridge.

Thanks for your work on the sidewalk project. Every day, when I walk up and down Cliff Street, I imagine a time when friends, family and neighbors will have a safe sidewalk on that street.

Anne Shapiro  
16 Summit Ridge

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 3:59 PM  
**To:** 'Neimeth, Charles (GE Healthcare)'  
**Cc:** Charles Yahoo Neimeth (charlesneimeth@yahoo.com); Guillermo Gomez  
**Subject:** RE: Cliff street sidewalk project - parking

Mr. Neimeth,

Thank you for clarifying your position, all options will be taken into consideration. I hope to have this item presented to the Public Works Commission when it next meets on November 12<sup>th</sup> at 465 Pine Street at 6:30 pm. This meeting is open to the public and participation is encouraged.

Regards,

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
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Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

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**From:** Neimeth, Charles (GE Healthcare) [<mailto:Charles.K.Neimeth@ge.com>]  
**Sent:** Saturday, October 25, 2014 4:57 PM  
**To:** Damian Roy  
**Cc:** Charles Yahoo Neimeth ([charlesneimeth@yahoo.com](mailto:charlesneimeth@yahoo.com))  
**Subject:** RE: Cliff street sidewalk project - parking

Mr. Roy – as long as the parking rights are the same as currently offered – that is 6AM to 6PM only – we are okay with granting Summit Ridge permits to the residents of Cliff Street between Summit Ridge and Summit Street. We are opposed to any changes that will allow additional overnight parking on our street. Let me know if you have questions or would like to discuss.

**Charlie Neimeth**  
Field Marketing Manager  
Americas Region Marketing  
GE Healthcare IT

T +1 802 859 6711  
M +1 802 355 8015  
[charles.k.neimeth@ge.com](mailto:charles.k.neimeth@ge.com)

40 IDX Drive  
South Burlington, VT 05403 United States  
General Electric Company, GE Healthcare

GE imagination at work

Begin forwarded message:

**From:** Damian Roy <[droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)>  
**Date:** October 22, 2014 at 2:45:38 PM EDT  
**To:** 'Suzanne McGregor' <[charlesneimeth@yahoo.com](mailto:charlesneimeth@yahoo.com)>  
**Subject: RE: Cliff street sidewalk project - parking**

Dear Mrs. McGregor and Mr. Neimeth,

Thank you for pointing out this error to me. I will revise all future correspondence with the public to reflect that the parking on the south side of Cliff Street between Summit Ridge and Summit Street is to be eliminated as a result of the sidewalk project and not the north side of this section as indicated by the public outreach flyer I distributed yesterday (10/21/14). In light of this, I would like to ask you both to reevaluate your position with consideration that it is the south side of Cliff Street between Summit Ridge and Summit Street and not the north side that will be negatively impacted leaving five (5) households with considerably reduced parking options.

I appreciate any and all feedback and discussion regarding this issue.

Sincerely,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
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Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: Suzanne McGregor [<mailto:charlesneimeth@yahoo.com>]  
Sent: Wednesday, October 22, 2014 1:46 PM  
To: Damian Roy  
Subject: Cliff street sidewalk project - parking

Dear Mr. Roy,

Thank you for your recent letter inquiring about resident feelings about additional parking permits on Summit Ridge for residents of Cliff Street who live between Summit Ridge and Summit Street. The letter indicated that the Cliff Street sidewalk project requires eliminating parking on the north side of Cliff Street between Summit Street and Summit Ridge. The north side of Cliff Street in this section is already marked "no parking this side." Therefore, we see no

change to parking availability and, thus see no need for additional permits for parking on Summit Street.

Thank you again for reaching out to residents.  
Suzanne McGregor and Charles Neimeth

Sent from my iPad

## PLATE COUNT

PLATE COUNT	Location: Summit Ridge						Inspector: D. Roy			
	Date: 10/15/14			Date: 10/16/14			Date: 10/17/14			
	7:00	10:00	13:00	7:00	10:00	13:00	7:00	10:00	13:00	
		GDA 848	2JJP 80		EK 450	2JJ9 80	2JJP 80	2JJP 80	FMF 390	
			EDF 968		BWS 301	EXA 404	FPM 609	FPM 609	EXA 404	
					BXE 205			APD 201	FPM 609	

## PLATE COUNT

Location: Summit Ridge

Inspector: D. Roy

[illegible]





Cliff Street Sidewalk  
Summit Street Resident Parking  
Proposal



**BURLINGTON  
PUBLIC WORKS  
ENGINEERING DIV.**  
645 PINE STREET  
BURLINGTON, VT 05401  
(802) 863-9084  
(802) 863-0466 (Fax)

DESIGNED GG	RFS NO.
DRAWN DRR	SCALE 1"=40'
CHECKED NJB	DRAWING NO.
DATE 10/27/2014	SHEET 1 OF 1





## MEMORANDUM

November 4, 2014

**TO:** Public Works Commission  
**FROM:** Damian Roy, DPW Engineering Technician *DRR*  
**CC:** Norman Baldwin, City Engineer  
**RE:** Overlake Park Parking Restrictions

---

### Background:

The Department of Public Works (DPW) received a call from an Overlake Park resident that the parking restriction signs along the west side of the street prohibiting parking on that side between the hours of 8:00AM – 4:00PM Monday through Friday were not present. Parking on the west side is unrestricted for the balance of that time. After confirming the current parking ordinance for Overlake Park, DPW crews set up new signs along the west side of the street to reaffirm the parking restriction. After this event, DPW received a request to remove the parking restrictions on the west side of Overlake Park in favor of unrestricted parking along that side.

### Observations:

Overlake Park is a twenty-two (22) foot wide, low volume, two-way residential use street that ends in a cul-de-sac. There are twenty (20) households on Overlake Park and all have private driveways providing off-street parking to accommodate at least two vehicles. With a twenty-two (22) foot width, a parked vehicle on one side of Overlake Park leaves approximately fourteen (14) feet of roadway for two-way traffic. AASHTO standards dictate a minimum width of nine (9) feet for rural, low volume travel lanes.

Staff investigated whether this narrow travel lane would impact emergency vehicle access to Overlake Park. The Burlington Fire Department conducted a trial run with Engine 3 on Overlake Park and concluded that the cul-de-sac was unnegotiable with or without cars parked around it; however Staff was informed that this would not impede their access to provide emergency services to any resident of Overlake Park.

Public outreach has been conducted via flyers to the residents of Overlake Park. Of the twenty (20) households, thirteen (13) have provided feedback. These residents have expressed their opinions and their solutions to this issue with no clear consensus being reached. See the

*UB 11/5/14*

attached spreadsheet tallying the different solutions suggested and their level of support. See also the attached email correspondence with these residents to better illustrate their position and reasoning.

**Conclusion:**

No unanimous agreement has been reached among the residents of Overlake Park, however according to the public response DPW has received; two suggestions have evenly split the majority of responses between them. Those two suggestions are as follows: to maintain the current parking restrictions, that is for no parking on the west side of Overlake Park from 8:00am to 4:00pm Monday through Friday with Unrestricted Parking for the balance thereafter; and the other being Resident Only Parking on the west side of Overlake Park from 8:00am to 4:00pm Monday through Friday with Unrestricted Parking for the balance thereafter. It is of DPW Staff's view that with equally strong public support to keep the existing parking restrictions as is as opposed to changing it, that the existing conditions should be maintained.

**Recommendation:**

Staff recommends that the commission adopt:

- To maintain the existing parking restrictions on Overlake Park.

Resident Name	Address	For Maintaining Existing Restricted 8-4, then Un	For Full Time Resident Only	For Full Time Unrestricted	Resident Only 8-4, then Unrestricted	Restricted 8-4 north of Deforest, Full Time Unrestricted south
Mara Coven	92 Overlake	x				
Meg Huffman	55 Overlake	x				
Carole Hakstian	44 Overlake		x	x		
Barbara Rouleau	20 Overlake				x x x (via petition)	
Denise Viscomi	11 Overlake	x			x	
Celia Daly	Not Given					x
John Treadwell	105 Overlake				x	
Sue Donahue	12 Overlake				x	
Mima Tipper	62 Overlake			x		
Sofi Dillof	17 Overlake		x			
Dan&Alicia Cunningham	45 Overlake	x				
Bill&Debra Gottesman	100 Overlake	x				
Alex Stewart	101 Overlake	x				
TOTALS		6	2	2	6	1

Meg Huffman – 55 Overlake Park

Meg is strongly opposed to removing the parking restrictions, siting student long term parking and creating a dangerous environment by the narrowing of the travel lane. She is also opposed to full time residential parking due to her belief that some of her neighbors are renting rooms illegally and forcing their tenants to park in the street. She feels that making the street full time residential would encourage this behavior. She feels that the parking restrictions that are currently in place, while imperfect, is the best option.

Barb Rouleau - 20 Overlake Park

Barb wrote an email and followed up with a phone call. She is strongly opposed to full unrestricted parking and is strongly opposed to the current restrictions. She feels that full time resident only parking makes the most sense citing the surrounding communities.

Mara Coven – 92 Overlake Park, 864-4423

Mara has had dealings with her neighbors who abuse the parking situation on Overlake. She doesn't have strong convictions toward changing the current conditions but feels that changing it to either fully unrestricted or fully residential would likely allow these neighbors to even more fully abuse the situation. She is for keeping the current conditions as they are.

Alex Stewart – 101 Overlake Park, 310-2009

Alex is in support of the existing parking ban. He feels that the street is too narrow and is generally unsafe to include resident parking during the day, or at all times. He feels that certain neighbors would abuse such a change in the parking restrictions. He also inquired about posting signage on the island on the cul-de-sac to indicate No Parking At All Times.

RECEIVED

SEP 17 2014

BURLINGTON PUBLIC  
WORKS

Burlington Police Department  
Antonio B. Pomerleau Building  
1 North Avenue  
Burlington, Vermont  
Mr. John King

August 26, 2014

Barb Rouleau  
802 363 1906

Dear Mr. King,

This petition is to request that the "NO PARKING from 8-4" ordinance on the first block of Overlake Park in Burlington, Vermont be changed to a "RESIDENT ONLY from 8-4" parking ordinance. This would be consistent with the surrounding streets such as Summit St, Deforest Rd., and Cliff Street. Thank You for considering.

Signatures of neighbors affected by the existing ordinance:

Barb Rouleau

8/26/2014

Wendy Vanecko

8/26/2014

John Kelly

8/26/2014

Ryan P.

9/1/14

~~Frank H.~~

~~9/1/14~~

Susan D.

9/2/14

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Tuesday, October 28, 2014 3:25 PM  
**To:** 'Carole Hakstian'  
**Cc:** 'Brownell, Thomas (TBrownell@Sentinelinvestments.com)'  
**Subject:** RE: Overlake Parking

Carole,

Thank you and you're very welcome. We have some concerns in regards to safety and access of rescue vehicles, large fire trucks in particular. I am working to determine whether the BFD's trucks will be able to safely make the necessary maneuvers to provide service in the case of a home fire. It is my goal to have this request ready for the November Commission, and I will keep you informed of my progress.

Best,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

---

**From:** Carole Hakstian [<mailto:chakstian@veic.org>]  
**Sent:** Tuesday, October 28, 2014 2:52 PM  
**To:** Damian Roy  
**Cc:** 'Brownell, Thomas (TBrownell@Sentinelinvestments.com)'  
**Subject:** RE: Overlake Parking

Hi Damian,

Welcome to the Dept of Public Works! Thanks for getting back in touch. Yes, you are correct. My request is that the 'no parking' signs on the west side of Overlake Park be removed to allow residents and visitors to park on the street during the day. Those signs currently prohibit on-street parking from 8am-4pm.

For your information and not to get anyone in trouble but to simply point out the reality of the parking situation up here, we continue to see cars parked on the west side of the street even with the new signs in place. These appear to be cars of friends of residents, family members whose cars outnumber the spaces in their driveway, trades people, contractors working on homes here.

I appreciate your consideration of our concern and your efforts to move this forward. Thank you so much! If there's anything else you need from me/us, please let us know. I hope it's ok that I've copied my husband as I know he is also curious about the new signs.

Best regards,

Carole

Carole Hakstian  
Economic and Forecasting Consultant  
Vermont Energy Investment Corporation  
128 Lakeside Ave  
Burlington, Vermont 05401  
802-540-7756

---

**From:** Damian Roy [<mailto:droy@burlingtonvt.gov>]  
**Sent:** Tuesday, October 28, 2014 2:29 PM  
**To:** Carole Hakstian  
**Subject:** Overlake Parking

Hello Carole,

I'm the new Engineering Technician for DPW, Colin left in mid-September. I recently began investigating the circumstances regarding the parking restrictions on Overlake Park. I've read your email and have located the Traffic Ordinance Regulations dictating these restrictions. The regulations are quite old and seem to predate any current city employee's knowledge as to why exactly they exist. After reading your request and speaking with the City Engineer, Norm Baldwin, we've concluded that a change to the Ordinance is warranted. Just to be clear on your request, are you looking to get the existing parking restrictions on the west side of Overlake Park be removed completely to allow for unrestricted use? Your feedback, and those of your neighbors, will help us determine what is the best solution to meet the residents, and the cities, needs.

Regards,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)



## Damian Roy

---

**From:** Damian Roy  
**Sent:** Thursday, October 30, 2014 9:04 AM  
**To:** 'Barbara Rouleau'  
**Subject:** RE: Overlake Park Residents Parking request

Dear Mrs. Rouleau,

Thank you for your response and the attached petition. I've checked our existing "Request For Service" (RFS) system for Overlake Park and your petition wasn't included, nor have I heard of your request prior to this email. Did you send the signed petition to a Mr. John King of the Burlington Police Department? If so then that may explain why it did not make it into our system as DPW's and BPW's systems are not directly synced. Can you send me a copy of the petition with the resident's signatures? It will help us determine the resident's opinion on the matter. Be sure that they include their addresses as well.

Concerning your request, please know that we are looking at all options equally. Based on feedback so far, public opinion is strong for all scenarios mentioned. These range from unrestricted parking, to resident only parking, to variations of the two, to maintaining the existing condition.

As public opinion is gathered and all considerations are measured, DPW will make a recommendation to the Public Work Commission who will then make a decision. Residents are strongly encouraged to participate in this Commission which is open to the public. It is my goal that the issue of Overlake Park parking will be brought to the next Commission which meets November 19<sup>th</sup> at 6:30 pm at 465 Pine St. in the main conference room.

Sincerely,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

---

**From:** Barbara Rouleau [<mailto:barbrouleau@myfairpoint.net>]  
**Sent:** Wednesday, October 29, 2014 6:39 PM  
**To:** Damian Roy  
**Subject:** Overlake Park Residents Parking request

Dear Mr. Roy,

I am writing in response to the letter placed in my mailbox today about changing the parking on Overlake Park to unrestricted.

I submitted a petition in September for parking changes, but the petition CLEARLY requested a change from RESTRICTED from 8-4, to RESIDENT"S ONLY from 8-4. I am not sure how this was misinterpreted, and I was never contacted by your office for clarification. My name and cell number were on the copy of the petition that I submitted. Perhaps there was a separate request in response to the new parking restrictions just added at the southern portion of Overlake Park?

#### EXAMPLE OF REASONING:

We live on Overlake Park. We have driveways and our cars are almost always parked in our driveways. If one of the neighbors that live on the short block of Overlake Park have a contractor, or a guest house, and we need to park on the street temporarily, we CANNOT without risking the chance of being hit with a \$75 fine. It is very inconvenient. We are unable to temporarily park near by our houses because all of the adjacent streets are restricted to RESIDENTS ONLY from 8-4....I was just asking that we, on Overlake Park, have the same opportunity to have a RESIDENT"S ONLY section of the block for temporary street parking needs. We do NOT want it opened up to UNRESTRICTED parking because, as you stated in your letter, it will increase UVM student parking, which is not a desirable outcome.

With your recent note to neighbors you have created some serious confusion. I urge you to re-read the petition request (which I have attached a copy), and drop a CLARIFYING Letter in the Overlake neighbors' boxes prior to the end of the week so that neighbors can provide opinions and feedback in the appropriate context.

Thank you in advance for fixing this situation.

Sincerely,

Barb Rouleau  
20 Overlake Park  
Burlington, VT 05401  
(802) 363-1706

Attachments: Recent letter to Overlake Residents from D. Roy  
Petition Letter from 1st block residents of Overlake Park

Petition Letter from 1st block residents of Overlake Park

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Thursday, October 30, 2014 1:59 PM  
**To:** 'cdviscomi@netscape.net'  
**Subject:** RE: Overlake Park

Hello Denise,

Thank you for your response. We are looking at all options equally and your opinions greatly influence how we will weigh this issue. I encourage you and any of your neighbors to attend this November's Public Works Commission to make your opinion known. The Commission is currently set for November 19<sup>th</sup> but there is talk at the moment to change it to November 12<sup>th</sup> due to conflicting schedules. I will inform everyone on Overlake Park if it changes.

Regards,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**From:** [cdviscomi@netscape.net](mailto:cdviscomi@netscape.net) [<mailto:cdviscomi@netscape.net>]  
**Sent:** Thursday, October 30, 2014 1:54 PM  
**To:** Damian Roy  
**Subject:** Overlake Park

Hi Damian,

I did sign a petition regarding the parking on our street. I signed thinking it would be changed to Resident Only parking (which I believe the petition stated...?). I would rather keep parking as is (or change to Resident Only) rather than change to unrestricted.

Thanks for your work on this matter.  
-Denise Viscomi  
11 Overlake Park

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Thursday, October 30, 2014 3:39 PM  
**To:** 'celiadaly@dalyanddaly.com'  
**Subject:** RE: Overlake Park

Hello Celia,

Thank you for responding and for your feedback regarding this. Interestingly, the parking restrictions that are currently in place on Overlake have actually been active for a very long time, prior to 1992 as far as we can tell. Someone at some time had taken down the signs and then recently someone on Overlake called to inform us that they were down so we referred to the regulation, saw that it was restricted 8:00 am to 4:00 pm, and replaced the signs. Residents have responded to this and that is what has sparked this issue now.

I am happy to hear you express that having unrestricted parking to the south of DeForest has worked for you in the past. That is an option I have yet to consider and I appreciate the suggestion as it may well be a viable option. I will do my best to keep all residents of Overlake Park in the loop as this progresses.

Best,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**From:** Celia Daly [<mailto:celiadaly@dalyanddaly.com>]  
**Sent:** Thursday, October 30, 2014 3:19 PM  
**To:** Damian Roy  
**Subject:** Overlake Park

Hi Damian --  
Thanks so much for reaching out for comment on parking rules for Overlake Park.

I was surprised to see the "No Parking" signs go up on Overlake Park south of DeForest. We moved to the street (#28) in January of 1998. My recollection is that those signs were only posted on Overlake north of DeForest. That situation seemed to work well for all these years. UVM students didn't seem to venture beyond DeForest to look for parking. I had never heard that there was a problem.

My household has had its share of parking tickets on that block.

It has always been convenient to be able to leave a car on the west side of Overlake, south of DeForest, in order to make room in the driveway for guests, contractors, etc., and to direct visitors to park there. It seems like that need can arise after 8:00 a.m. and before 4:00 p.m.

I prefer limiting the 8:00 a.m. to 4:00 p.m. parking to the block north of DeForest Road, as it has been for years.

I would strongly object to a "residents only" regime that required stickers or passes for all parking.

Thanks again.

Regards,  
Celia Daly

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 8:32 AM  
**To:** 'John Treadwell'  
**Subject:** RE: Parking Restrictions on Overlake Park

Mr. Treadwell,

Thank you for your response and feedback. Several of your neighbors have expressed similar opinions. One such opinion is to make the west side of Overlake Resident Only parking from 8:00 am to 4:00 pm M-F then unrestricted after that. Another opinion is to make it Resident Only at all times. Of these which would you support more? Do you have any other suggestions?

Thank you for your assistance.

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: John Treadwell [<mailto:treadwell.john@gmail.com>]  
Sent: Thursday, October 30, 2014 8:18 PM  
To: Damian Roy  
Subject: Parking Restrictions on Overlake Park

Dear Mr. Roy,

I have received your letter regarding the request to consider remove parking restrictions on Overlake Park. I am adamantly opposed to such a change. I have lived on Overlake Park since 1997. The street is narrow and frequently fairly congested. With vehicles parked along the length of the street two-day traffic is impossible. Instead of removing parking restrictions I think a more reasonable change would be for the City to introduce Resident Parking limitations.

Thanks.

John Treadwell  
105 Overlake Park  
Burlington, VT

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Friday, October 31, 2014 9:49 AM  
**To:** 'Sue Donahue'  
**Subject:** RE: Overlake Park Residents Parking request

Dear Ms. Donahue,

Thank you for your response and feedback, it has been noted and logged. I want you to know that we haven't proposed anything thus far. At this stage, we are simply gathering public opinion on what options are best for the residents of Overlake. I would also like to mention that the southern end of Overlake after Deforest is still a no parking zone 8-4 M-F as stated in the Burlington Ordinance Code. You can access the code here:

<http://www.codepublishing.com/vt/burlington/>

I hope this helps.

Sincerely,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

---

**From:** Sue Donahue [mailto:[vtDonahue@comcast.net](mailto:vtDonahue@comcast.net)]  
**Sent:** Friday, October 31, 2014 8:47 AM  
**To:** Damian Roy  
**Subject:** Fwd: Overlake Park Residents Parking request

Dear Mr. Roy,

I am a resident of Overlake Park and also received the flyer in my mailbox regarding the proposed parking change to UNRESTRICTED.

I am writing to express my **opposition** to creating UNRESTRICTED parking on the north end of the street; the area between Cliff St. and Deforest Heights.

I am in full support of Barb Rouleau's September petition (which I signed) to change the parking to RESIDENT ONLY between the hours of 8-4, for all the reasons stated in the petition and again in her email below. Furthermore, the south end of the street was just changed to RESIDENT ONLY 8-4.

I can tell you from my 20 years living on Overlake Park, UVM students park at 4 pm and leave their cars until 8am, or for the entire weekend. This creates great difficulty backing out of my driveway as the street is narrow to begin with and having a car parked directly across from my driveway end creates a challenging, if not impossible, "cut" of the car wheel to back out. We end up driving over the curb and have damaged our cars numerous times doing so. Opening up the parking to unrestricted will most certainly make this situation constant, rather than limited to weekends and from 4 to 8am. Should the parking be changed to RESIDENT ONLY as petitioned by Barb Rouleau, I have few concerns my neighbors on the north end of Overlake will leave their cars on the street at the end of my driveway; and if it were the case I could simply ask them to move.

To summarized, as a resident of the area directly impacted, my opinion is:  
Change parking to RESIDENT ONLY 8-4. if not possible, leave parking as is (no parking 8-4). DO NOT change to UNRESTRICTED.

Thank you for your consideration.

Sue Donahue  
12 Overlake Park  
Begin forwarded message:

**From:** Damian Roy <droy@burlingtonvt.gov>  
**Date:** October 30, 2014 at 9:03:32 AM EDT  
**To:** "Barbara Rouleau" <barbrouleau@myfairpoint.net>  
**Subject:** RE: Overlake Park Residents Parking request

Dear Mrs. Rouleau,

Thank you for your response and the attached petition. I've checked our existing "Request For Service" (RFS) system for Overlake Park and your petition wasn't included, nor have I heard of your request prior to this email. Did you send the signed petition to a Mr. John King of the Burlington Police Department? If so then that may explain why it did not make it into our system as DPW's and BPW's systems are not directly synced. Can you send me a copy of the petition with the resident's signatures? It will help us determine the resident's opinion on the matter. Be sure that they include their addresses as well.

Concerning your request, please know that we are looking at all options equally. Based on feedback so far, public opinion is strong for all scenarios mentioned. These range from unrestricted parking, to resident only parking, to variations of the two, to maintaining the existing condition.

As public opinion is gathered and all considerations are measured, DPW will make a recommendation to the Public Work Commission who will then make a decision. Residents are strongly encouraged to participate in this Commission which is open to the public. It is my goal that the issue of Overlake Park parking will be brought to the next Commission which meets November 19<sup>th</sup> at 6:30 pm at 465 Pine St. in the main conference room.

Sincerely,  
Damian

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401



## Damian Roy

---

**From:** Damian Roy  
**Sent:** Tuesday, November 04, 2014 9:29 AM  
**To:** 'dancu@dans.com'  
**Subject:** RE: Parking Feedback for Overlake Park

Dear Dan and Alicia,

Thank you very much for your insights and thorough perspective. I have received a wide variety of opinions concerning parking on this street, it is my duty to present all options to the Public Works Commission so that they may make an informed decision. The November Commission meeting was previously scheduled to meet on Wednesday November 19th, but it has been moved forward one week to Wednesday November 12th. At this time I'm unsure if this item will make this month's agenda, but if it does I will let you and all the residents of Overlake Park know so that you may attend and be given your chance to represent your position.

Sincerely,  
Damian Roy

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

-----Original Message-----

From: [dancdanc@gmail.com](mailto:dancdanc@gmail.com) [<mailto:dancdanc@gmail.com>] On Behalf Of Dan Cunningham  
Sent: Tuesday, November 04, 2014 9:09 AM  
To: Damian Roy  
Subject: Parking Feedback for Overlake Park

Dear Damian and Dept of Public Works,

We are residents of 45 Overlake Park, a house on the west side of the street. We believe the current parking situation is ideal, where parking is not allowed from 8 AM - 4 PM Monday - Friday. We are strongly opposed to removing this restriction or to changing it to Residents Only Parking. These are our three reasons:

1. Overlake Park is one of the narrowest streets in Burlington. When someone parks on the west side of the street, it turns the road into a one-lane street, with little room on either shoulder. As you mention in your letter, this is a major concern for emergency access as the street would be completely blocked if an emergency vehicle had to park next to a parked car. The images "Narrow1-3.jpg" attached to this email show just how narrow it is.

2. I have four little children, and when cars are parked on the west side of Overlake, it creates a play hazard, esp as they are often on bicycles. This fall when a car was permanently parked on the west side, I saw a close call where a car almost hit one of them. Given the visual restrictions and space restrictions the west side parking creates, I am concerned about the safety hazard of cars being parked there long-term.

3. As you also mention, UVM students have a proclivity to turn the street into long-term parking. This happened late this spring where a UVM student parked for over a month. I saw the person head back and forth to the UVM campus on foot. But it's not just students: another situation that happened this fall, before you put the new policy signs up: one resident decided to turn the street into long-term, permanent parking for himself. Despite ample space in his private driveway, the public street, which serves many residents as common ground, became his parking spot. This exacerbated #2 above and turned the street into a permanent narrow one lane. It is not fair to the public to have private residents or UVM students doing this on a street of this nature.

Given the concerns above, we believe the current parking policy works well, balancing the various usage demands. We urge you not to change it.

Sincerely,

Dan & Alicia Cunningham  
45 Overlake Park  
802-881-9020

## Damian Roy

---

**From:** Damian Roy  
**Sent:** Tuesday, November 04, 2014 1:35 PM  
**To:** 'Bill Gottesman'; Debra  
**Subject:** RE: Overlake Park Parking Questionnaire

Bill and Debra,

Thank you for responding and providing feedback on this issue. All opinions on this matter are given equal consideration as I craft a recommendation to present to the November Commission. It is my hopes that this item will make the November agenda and if it does then it will be discussed and decided on November 12<sup>th</sup> at 6:30 pm at 645 Pine Street in the front conference room. I will inform all residents of Overlake Park if this is the case and I encourage your attendance and participation at the meeting.

Thank you,  
Damian Roy

Damian Roy, Engineering Technician  
Burlington Public Works Department  
645 Pine St. Burlington VT 05401  
Desk: 802.865.5832  
Cell: 802.598.8356  
Email: [droy@burlingtonvt.gov](mailto:droy@burlingtonvt.gov)  
Web: [www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

**From:** [billgottesman@gmail.com](mailto:billgottesman@gmail.com) [<mailto:billgottesman@gmail.com>] **On Behalf Of** Bill Gottesman  
**Sent:** Thursday, October 30, 2014 4:53 PM  
**To:** Damian Roy; Debra  
**Subject:** Overlake Park Parking Questionnaire

Hello Roy,

Debra and I live at 100 Overlake Park, in the circle, and we oppose lifting the weekday parking ban. Sometimes Overlake Park is obstructed by garbage trucks and construction vehicles, as well as the traffic of the vehicles of the residents who live and others who visit here. One of our neighbors at 82 Overlake often parks several vehicles at and near his residence, including boat and utility trailers. As such, there are times it is difficult to reach the end of our street, and being a dead-end, there is no alternate access.

There is a sharp turn in the road near 77 Overlake, which I think would be difficult for a firetruck to negotiate even without other cars obstructing. Allowing additional parking would be unsafe for emergency access vehicles. We think lifting the parking ban will only serve to make the obstructions worse and more frequent, and so we ask that the city keep the parking ban in place.

Bill and Debra Gottesman  
100 Overlake Park



**CITY OF BURLINGTON**  
**DEPARTMENT OF PUBLIC WORKS**

OFFICE OF PLANNING  
645 PINE STREET, SUITE A  
BURLINGTON, VT 05402  
802.863.9094 P  
802.863.0466 F  
802.863.0450 TTY  
[WWW.BURLINGTONVT.GOV](http://WWW.BURLINGTONVT.GOV)

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**CHAPIN SPENCER**  
*DIRECTOR OF PUBLIC WORKS*

**NORMAN J. BALDWIN, P.E.**  
*ASSISTANT DIRECTOR OF PUBLIC WORKS*

Date: November 5, 2014

To: Public Works Commission

C.C. Adam Holt, Appellant  
Brad Biggie, Building Inspector  
Ned Holt, Building Inspector  
Eugene Bergman, Assistant City Attorney

From: Norman J. Baldwin, P.E.   
City Engineer/Ass't Director of Public Works

Subject: 49 Curtis Avenue Trades Appeal Request for Continuance

Staff and Mr. Holt as the appellant are continuing to meet to seek to resolve the issues associated with his appeal associated with his home at 49 Curtis Avenue.

We meet with Mr. Holt on Thursday, October 30, 2014 to further discuss his appeal and work through the issues requested by the commission. Staff was asked to explore with Mr. Holt the concept of a minimum ceiling height variance. As a result of our meeting we concluded that:

- City Staff would accept a minimum ceiling height of 6' 4".
- Mr. Holt was successful at getting a proposal from an HVAC contractor to modify his heating system to achieve the 6'4" minimum ceiling height; he would be reaching out to additional HVAC Contractors to get other cost competitive proposals.
- City Staff would begin the process of drafting a minimum ceiling height variance.
- Mr. Holt was agreeable to installing a window well that would meet the second means of egress requirements.
- That our collective work and assigned tasks, in preparation of the upcoming meeting will require more time.

Since our October 30, 2014 meeting with Mr. Holt,

- Staff has been working with Assistant City Attorney Gene Bergman and we are very close to having a variance written and ready to be issued.
- Mr. Holt has provided a cost proposal from Acme Glass for the egress window well

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- Mr. Holt will need to get costs proposals from other contractors to do the preparatory work necessary to install the egress window, work that would include earthwork, drainage and saw-cutting of his foundation wall.
- Mr. Holt is still waiting on a cost proposal from a second HVAC contractor.

Given the complexity of the balance of issues we are working through, both ourselves as City staff and the appellant Mr. Holt will require more time to work through these additional details. As such we are seeking a continuance to the December Commission meeting.

Thank you in advance for your thoughtful consideration.

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EUGENE M. BERGMAN, ESQ.  
Sr. Assistant City Attorney  
RICHARD W. HAESLER, JR., ESQ.  
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CITY OF BURLINGTON, VERMONT  
OFFICE OF  
THE CITY ATTORNEY  
AND  
CORPORATION COUNSEL

**MEMORANDUM RE: CHANGES TO OPEN MEETING LAW**

To: Mayor, City Council, Clerk/Treasurer's Office, Department Heads  
From: Eileen Blackwood, City Attorney  
Gene Bergman, Sr. Asst. City Attorney  
Re: Act 143, 2014 Changes to the Vermont Open Meeting Law  
Date: July 28, 2014

On May 23, 2014, the Governor signed into law Act 143, a bill (H. 497) that made the first changes to Vermont's open meeting law in many years. The Act went into effect on July 1. This memo is meant to assist you and the other City committees and boards in understanding and meeting the obligations of the amended law.

**Public body**

The open meeting law was enacted to enable the people of Vermont to monitor the effectiveness and accountability of their governing bodies; the right of the people to have an open government is enshrined in the Vermont constitution. *Vt. Const. Ch. I, Art. VI; 1 V.S.A. § 311*. As such, every "public body" is subject to the requirements spelled out in Title 1 of the Vermont Statutes in sections 310 through 314. The amended law does not change the definition of "public body," except that it specifically exempts "meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation" from the law. 24 V.S.A. § 1964(b) (2014). The City Council and all the boards and commissions established by the Charter or by City Council resolution or ordinance are defined by the law as public bodies, as are all of the committees these bodies create to assist them in their work. *1 V.S.A. § 310 (3)* (definition of "public body"). It is likely that a group of citizens who meet together, but do not have an established set of members that make up that committee, even if they are recognized by the City Council, may not be a public body, but it should be assumed that all committees fall within this definition unless the City Attorney's Office has given a clear opinion that the specific committee or council is not a public body.

## **Open meetings**

The purpose of the open meeting law is to give the public access to the meetings of public bodies so people can observe, be heard and participate in the deliberations and decisions of the public body. *State v. Vermont Emergency Bd.*, 136 Vt. 506, 508 (1978). Consequently, all public body meetings must be open to the public at all times of the meeting except during a legally called executive session, and no action can be taken by a public body unless it is taken at a meeting that is open to the public at all times of the meeting. *1 V.S.A. § 312 (a) (1)*. This means that the doors to the building and the meeting room must remain open throughout the duration of the meeting (except during an executive session). This is not a change from existing law.

At the meeting, the public must be given a reasonable opportunity to express its opinion on the matters being considered by the body during the meeting, as long as order is maintained. The chair may create reasonable rules to govern public comment--such as providing a public forum period or limiting verbal comments to a reasonable length of time to allow all to participate. *1 V.S.A. § 312 (h)*. The chair should, however, allow every member of the public who wishes to speak an opportunity to do so before the public body acts on a question. This is not a change from existing law.

## **Meeting defined**

The law defines a meeting as "a gathering of a quorum of the member of a public body for the purpose of discussing the business of the public body or for the purpose of taking action." *1 V.S.A. § 310 (2)*.

The new law excludes from being considered a "meeting" the exchange between members of the body (even if it is between a quorum) of written correspondence or electronic communications (i.e. email, phone calls, teleconferencing) "for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting." *Act 143 § 1, page 1, amending 1 V.S.A. § 310 (2)*, as long as those communications are available for inspection and copying under the Vermont Public Records Law. This means that if, for example, emails are sent by another means than the City's system, the individual member of the public body must make sure they are maintained, or that method may not be used for City business. Generally, all written or recorded information related to scheduling, organizing the agenda, and materials to discuss for any public body of the City should be considered a public record subject to the Public Records Act and must be made available to the public on request.

Given the purpose of the law, the courts' interpretation of the statute that broadly favors openness and, the new clarification of the definition excluding scheduling, a "meeting" under the open meeting law should be seen as happening whenever a quorum of the public body gets together and discusses business under its jurisdiction, whether or not the members came together for the purpose of discussing this business. Certainly, any time a quorum of the public body meets together for the purpose of taking action, the members are meeting and must follow all the requirements of the law.

An example would be when a quorum, a majority of the body, attends a social event or party and begins to talk about city business; this should not happen unless all the requirements of the open meeting law have been satisfied--which includes posting an agenda and keeping minutes.

The changes to the law also clarify that a meeting occurs when members of the public body discuss an issue over the phone or by email, if all or at least a quorum of the body is on the call or cc'd on the email (even if they aren't all reading it at the same time or responding), unless the task is only one of the three areas identified above (scheduling, organizing an agenda, or distributing materials). Discussions of City business that involve a quorum or more of the public body cannot be held by email! You may distribute information to be discussed at the meeting, but you may not discuss it. This means that with three-person committees, two of the members may not discuss committee business (except those three routine administrative activities) outside the meeting, no matter how informally.

The law recognizes three types of meetings: regular, special, and emergency. A "regular" meeting is one set by statute, charter, regulation, ordinance, or bylaw or by a resolution or formal action of the public body. So, public bodies who plan to have regular meetings that aren't designated in a formal legal document should take formal action to set the date and time of those meetings. A "special" meeting is a meeting that occurs outside that schedule. An "emergency" meeting is what it sounds like--a meeting to deal with an unforeseen condition that requires immediate attention. The requirements for notice and posting below vary depend on what type of meeting is being held.

### **Accessible meetings**

The "open at all times" requirement was clarified in the new law to make it clear that meetings must comply with the public accommodation mandate established by the public accommodations law in chapter 139 of Title 9 of the Vermont Statutes. *Act 143, § 1, page 3, amending 1 V.S.A. §312(a)(1)*. The open meeting law, therefore, requires officials of the public body who are scheduling, setting up, and conducting a meeting to: (1) ensure the meeting is accessible to persons with disabilities; (2) allow service animals accompanying a person with disabilities and persons training service animals for a person with disabilities; and (3) make reasonable accommodations, including the provision of auxiliary aids and services, to allow access to and participation in the meeting by persons with disabilities.

### **Attendance without being physically present**

Members of the body may attend a meeting through electronic or other means without being physically present in the designated meeting location. If a member attends by electronic or other means, then the member must identify himself or herself when the meeting is convened and must be able to hear the conduct of the meeting and be heard throughout the meeting. *Act 143, § 2 amending 1 V.S.A § 312 (a) (2)*. All votes must be taken by roll call. This is a new requirement.



If a quorum attends without being physically present at the designated location, then at least 24 hours before the meeting or as soon as practicable prior to an emergency meeting, the body shall (1) "publicly announce" the meeting, (2) post a meeting notice in or near the clerk's office and at least 2 other designated public places in the city, (3) designate in the public announcement and posted notice at least 1 physical location where a member of the public can attend and participate in the meeting, and (4) ensure that at least one member of the body or at least one staff or designee of the body is physically present at each designated meeting location. *Act 143, § 2 amending 1 V.S.A § 312 (a) (2)*. These are new requirements.

Remember that voting may not be done by email or proxy, because it must be done in open session.

### **Notice**

All meetings of public bodies must be noticed. Any adjourned meeting is considered a new meeting unless the time and place for the adjourned meeting is announced before the meeting adjourns. *1 V.S.A. § 312 (c)(4)*. All regular meetings must have the time and place of the meeting clearly designated by either statute, charter, regulation, ordinance, bylaw, resolution, or other legitimate action of the body; however, this information must be made available to any person upon that person's request. The request does not need to be in writing. *1 V.S.A § 312 (c) (1)*. None of this is a change to existing law. It is recommended that each public body that plans to meet on a regular basis act formally (by making a motion, for example) to adopt a regular meeting schedule.

"Special" meetings are those meetings that don't qualify as being either "regular" or "emergency." This means that all meetings that are not pre-designated in time or place by an authorized means (e.g. resolution) are either special or emergency meetings. The time, place, and purpose of a special meeting must be "publicly announced" at least 24 hours before the meeting. *1 V.S.A § 312 (c)(2)*. Again, this is not a change from existing law.

"Publicly announced" means that a notice is sent to an editor, publisher, or news director of a newspaper or radio station serving the area in which the body has jurisdiction and to any person who has requested notice in writing—this written notice being good only for the calendar year in which it is made unless it is made in December, in which case it goes through the next year. *1 V.S.A §§ 310 (4), 312 (c)(5)*. The newspaper and radio notices, therefore, must be sent to, at a minimum, one paper or radio station that serves Burlington. While the requirement of providing public announcements to the media is not new, the ability of any person to request personal notice of special meetings is new; that ability was previously limited to media personnel.

"Special" meeting notices must be posted in or near the City Clerk's Office and in at least 2 other designated public places in the city at least 24 hours before the meeting. *1 V.S.A. §312(c)(2)*. The City Council has designated the posting places as noted below. Notice of the special meeting must also be given to each member of the body (orally or in writing) at least 24 hours before the meeting (except the member may waive notice). *Id.*

In addition to posting the notice of a regular or special meeting, the amended law requires that the agenda for the meeting must also be posted; these could be printed on the same page. For a regular meeting, the agenda must be posted at least 48 hours before the meeting in four places: on the City's website, in or near the municipal office and in at least two other public places. The City Council has designated the following locations for all municipal public notices: outside the Clerk/Treasurer's Office, on the Fletcher Free Library bulletin board, and on the bulletin board at the Parks/Public Works building on Pine Street. The agenda for a special meeting must be posted in the same places at least 24 hours before the meeting. Agendas must be made available to any person before the meeting on request, oral or written, and any person (previously this just applied to news media) may request in writing (for the calendar year) that s/he be notified of all special meetings of a public body. When such a request is received, both the clerk of the public body and the Clerk/Treasurer's Office should be informed.

Another new requirement is that additions to or deletions from an agenda must be made as the first act of business at the meeting, but any other adjustment can be made at any time during the meeting. *Act 143, § 2, amending 1 V.S.A. § 312 (d)*. We believe this means you can still vote to table or postpone action on a matter when you get to it on the agenda, as that is taking an action on the item.

"Emergency" meetings are meetings needed to respond to an unforeseen occurrence or condition that requires immediate attention by the body. Emergency meetings can be held without a public announcement, without posting any notice, and without giving members 24 hour notice as long as some public notice is given as soon as possible before the meeting. There was no change in this provision of the law. *1 V.S.A. § 312 (c)(3)*.

## Minutes

Minutes must be taken of all meetings of public bodies. *1 V.S.A. § 312 (b)*. The minutes must cover all topics and motions that come up in the meeting and give a true indication of the business that occurred in the meeting. Because the minutes are the basic notes of the meeting, a record of what was done, the audio or video recording of the meeting cannot be used as the minutes of that meeting.

There is no change to the requirements of the content of the minutes: Minutes must still include at least (1) a listing of all members of the body who were present, (2) a listing of all the other "active" participants in the meeting, (3) all the motions, proposals, and resolutions that were made, offered, and considered and what happened with them, and (4) the results of any votes, with a record of individual votes if a roll call is taken. *1 V.S.A. § 312 (b) (1)*. None of this is a change from existing law.

Minutes are public records and must be kept by the clerk of secretary of the body and must be available for inspection within 5 days from the date of the meeting. The new law, however, requires that the minutes be posted no later than 5 days from the meeting date to the body's designated website. *Act 143, § 1 amending 1 V.S.A. § 312 (b) (2)*. The City Council has designated the City's website, [www.burlingtonvt.gov](http://www.burlingtonvt.gov), as the designated website for posting.

Because for most of the City's bodies, the minutes will not be adopted within 5 days, they may posted as "subject to approval" or "draft" until approval is obtained.

### **Executive sessions**

Members may go into executive session (which means a session from which the public is excluded) only for certain specific, limited purposes. *1 V.S.A. § 313(a)*. To go into executive session there must be a vote by a majority of those members who are present in an open meeting, and the result of that vote must be recorded in the minutes. There must be a motion to go into the session, and the motion must indicate the nature of the executive session's business by specifically stating which of the permissible purposes in the statute apply. No other business may be conducted in the session. *1 V.S.A. § 313 (a)*. None of these requirements is new.

No formal action can be taken in executive session except for actions relating to the securing of options for the purchase or lease of real estate. Therefore, if the public body needs to take action, it must come out of executive session, resume its public meeting, and then take the action needed. *1 V.S.A. § 313(a)*. No minutes of the session need to be taken and if they are, they are not made public by the provisions of § 312 (b). Again, none of these reasons is new.

### **These are the only reasons an executive session can only be held under 1 V.S.A. § 313:**

(1) If the public body makes a specific finding that premature general public knowledge would clearly place the body or a person involved at a substantial disadvantage, the body can go into executive session to discuss contracts, labor agreements with employees, arbitration or mediation, non-tax grievances, pending or probable civil litigation or a prosecution to which the body is or may be a party, or confidential attorney-client communications made to provide professional legal services to the body. The requirement of a specific finding is new, and the legal topics have been changed. A statement of that finding of substantial disadvantage should be placed on the record as a motion. Then, a vote should be taken on that finding. Then a separate motion should be made to go into executive session. For instance, in the case of a contract under negotiation, the motion might be: "I move to find that premature general public knowledge of the city's contract with ABC Company would clearly place this council at a substantial disadvantage because the council risks disclosing its negotiation strategy if it discusses the proposed contract terms in public." In this hypothetical situation, the "substantial disadvantage" is the risk of losing the competitive edge in the negotiations by talking about the specific terms in public. For instance, once ABC Company hears the council talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount. The second motion follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance: "Based on the finding of substantial disadvantage, I move that we enter into executive session to discuss the city's contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes."

(2) The body can go into executive session to discuss the negotiating or securing of real estate purchase or lease options. The word "lease" is new.

(3) The body can go into session to discuss the appointment or employment of a public officer or employee, but the body must make a final decision to hire or appoint in an open meeting and must explain the reasons for its decisions at the open meeting. The requirement to explain reasons for hiring or appointment in public session is new.

(4) The body can go into executive session to discuss a disciplinary or dismissal action against a public officer or employee, although the officer or employee has a right to a public hearing if formal charges are brought. This provision is unchanged.

(5) The body can go into executive session to discuss a clear and imminent peril to public safety. This provision is unchanged.

(6) The body can go into executive session to discuss records that are exempt from disclosure under the Public Records Act as long as the discussion of the record does not extend into the general subject to which the record pertains (unless it meets another purpose for executive session and that purpose has been stated on the record). There was some change to the language of this provision, but no real substantive changes.

(7) The body can go into executive session to discuss the academic records or suspension or discipline of students. This provision is unchanged.

(8) The body can go into executive session to discuss municipal or school security or emergency response measures if the disclosure could jeopardize public safety. This is a new provision.

### **Exceptions to Requirements:**

#### **Quasi-judicial proceedings, site inspections, & routine day-to-day administrative matters**

The deliberations of a quasi-judicial public body are not subject to the requirements of §§ 312 or 313 (executive sessions). *1 V.S.A. §312(e)*. That means they are not required to be open to the public; prior notice and agendas do not have to be posted; and minutes do not have to be kept. A quasi-judicial proceeding is a proceeding in which the legal rights of a person or persons are adjudicated, which is conducted in a way so all parties have the chance to present evidence and cross examine witnesses, and which results in an appealable written decision. *1 V.S.A. §310(5)*. Please note that this only applies to the deliberations of that body. Deliberations do not include conducting business matters (electing officers, for example), taking evidence, or hearing the arguments of the parties--these sections of the meeting must be open to the public. *1 V.S.A. §§ 312 (e)*.

Similarly, the written decision of a quasi-judicial proceeding need not be adopted at an open meeting, as long as the decision will be a public record, *1 V.S.A. sec. 312 (f)*. This exemption means that after all the evidence has been taken, and the public body has entered into a deliberative session, it may discuss drafts of a written decision or issues that have arisen while preparing the written decision by email or phone without holding a formal meeting. This is intended to be a limited exception, however.

Also, site inspections for assessing damage or making tax assessments or abatement are not subject to the open meeting law. Neither is clerical work or staff work assignments. Routine day-to-day administrative matters that don't require action by the body can be conducted outside of a meeting as long as no money is appropriated, expended, or encumbered. *1 V.S.A. § 312 (g)*.

### **Enforcement and Response to Complaints**

Learning these changes to the Open Meeting Law is important because a member of a public body or another person, on behalf of the public body, who knowingly and intentionally violates these provisions or knowingly and intentionally participates in the wrongful exclusion of a person from an open meeting shall be guilty of a misdemeanor and shall be fined up to \$500. While members of public bodies were subject to these remedies in the past, staff or other persons acting on their behalf had not been explicitly included.

The law delays the effective date for prosecutions of violations of posting to the website so that a failure to post minutes of a meeting held before July 1, 2015 will not be subject to prosecution for knowingly and intentionally violating the law. *Act 143, § 4, amending 1 V.S.A. § 314 (a)*. But starting next year, the failure to post will be subject to prosecution.

The new law now requires the Attorney General or an aggrieved party to notify the public body in writing of the specific violation and request a specific cure; if the public body cures the violation, it will not be liable for attorney's fees or costs. *1 V.S.A. § 314(b)(1)*.

The new law also now requires a public response to any written notice of the violation. *1 V.S.A. § 314(b)(2)*. When the public body receives a written notice from the AG or any other aggrieved person, asserting that there is a violation and requesting a cure, the public body must respond within seven business days by acknowledging the violation and stating an intent to cure it within 14 calendar days or by stating that it has determined there is no violation. *Id.*

Logistically, this means that the public body must immediately call a special meeting and provide adequate notice and warning of that meeting, including an agenda. During the meeting, the body should publicly discuss the situation and determine whether there was an inadvertent violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an inadvertent violation that will be cured within 14 calendar days. The public body should not publicly acknowledge a violation that is anything other than inadvertent without specific legal advice to do so. In the event that the public body is sued for a violation of the law, the court will assess attorneys' fees and costs based in part on whether there was a timely response to a notice of violation. *1 V.S.A. § 314(d)*.

Members of public bodies who receive a written complaint (including email) should immediately forward it to the chair of the public body, the City Attorney's Office, and the CAO so that the appropriate response may be made within the seven business days required. The chair of the public body is responsible for ensuring that the response is ultimately made, but that

response should not be made until the chair has consulted with the City Attorney's Office. The failure of a public body to respond within seven business days is treated as a denial. *1 V.S.A. §312(b)(3)*.

The cure that must occur within 14 calendar days, if the public body finds a violation, is made by either ratifying or declaring as void any action taken at (or resulting from) the meeting that was in violation and adopting specific measures that actually prevent future violations. *1 V.S.A. §314(b)(4)*. This requirement to respond and cure is new. Thus, how to cure a violation should be discussed with the City Attorney's Office before the cure is carried out.

The AG or any person aggrieved by a violation may bring an action in state civil court, but no later than one year after the meeting involved. *1 V.S.A. §314(c)*. This one-year limitation is new. If a court finds a violation, it must assess reasonable attorney's fees and costs incurred unless the public body had a reasonable basis in fact and law for its position and acted in good faith. Part of that good faith requires responding to the notice of violation in a timely manner. The court also need not assess attorney's fees and costs if the public body cured the violation. *1 V.S.A. section 314(d)*.

Chapin Spencer  
*Director of Public Works*

Patrick Buteau  
*Assistant Director DPW  
Parking & Fleet Services*



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## **MEMORANDUM**

To: Public Works Commission  
From: Patrick Buteau, Asst. Director DPW  
Date: November 01, 2014  
Subject: Current Uses in City Owned Garages.

A handwritten signature in dark ink, appearing to be "PB", is written over the "From:" line of the memorandum.

As requested, we have compiled the attached listing of current dedicated uses in each of the City owned parking garages.

Accessible spaces were created during construction of each of these the facilities. Marketplace Garage has been modified to allow more accessible spaces on the first level due to the current unreliability of the elevators.

The spaces in the Marketplace Garage for Car Share, Bike lockers, racks, and EV Charging station were added at the request of area businesses, residents, and organizations consistent with the Burlington Transportation Plan.

The Lakeview Garage EV charging stations were required during construction of garage and 15 minute spaces as part of hotel development agreement approved by City.

In accordance with City ordinance, we are seeking Commission approval of the current identified uses with the understanding that future uses will be brought to the Commission for approval.

## **CURRENT USES IN CITY OWNED PARKING GARAGES**

### **Municipal (Marketplace) Garage: 47 South Winooski Avenue (401)**

1. One (1) space first floor occupied by bike rack.
2. Ten Bike lockers first floor corner no spaces taken.
3. Twelve (12) Accessible spaces throughout garage.
4. One (1) Car Share space lower level.
5. One (1) EV Level 3 Charging Station first floor (1) space
6. One storage shed 1 ½ spaces lower level
7. 43 premium spaces lower level dedicated entrance/exit.

### **College Street (Hilton) Garage: 65 College Street (460)**

1. Eight (8) Accessible spaces.
2. One (10) Work Truck space.

### **Lakeview (Macy's) Garage & Westlake Garage: 45 Cherry Street (678)**

1. Four (4) EV charging spaces; two level 2 chargers.
2. Fifteen (15) Accessible spaces.
3. Ten (10) 15 minute spaces.

### **Evacuation Plan Use (Weather Related)**

All Garages used on occasion as part of event evacuation plans with the understanding that event sponsors are required to have leaders monitoring those seeking shelter in the garages and not interfere with normal operations.0

### **Monthly Parking Leases – Corporate and Individual**

Negotiate multi space corporate leases and issue individual monthly leases. None of our monthly leases are dedicated spaces but filled on a first come first served basis.



**BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION**  
**DRAFT MINUTES, October 15, 2014 (revised 10/31/14)**  
**645 Pine Street**  
**(DVD of meeting may be on file at DPW)**

**COMMISSIONERS PRESENT:** Bob Alberry, Tiki Archambeau, Jim Barr, Asa Hopkins (Vice Chair), Nathan Lavery (Chair) and Jeffrey Padgett  
**ABSENT:** Solveig Overby

Commissioner Lavery called the meeting to order at 5:45 p.m.

**ITEM 1 – AGENDA**

- Commissioner Lavery offered to add a discussion item about the North Champlain speed bumps if desired by those present; however, due to the low number of people in attendance for the topic, it was decided that that item would be discussed as planned during Item 8, Director's Report.
- Commissioner Barr made a motion to move Item 5 (King St Center Request) to 3.5 to accommodate a resident's schedule. Commissioner Alberry seconded. Unanimous.

**ITEM 2 – PUBLIC FORUM**

Martha Lang (see handout dated 10/14/14 from Martha Lang, distributed at meeting): Requesting extending "Resident Parking" designation for #'s 132, 140 and 146 Colchester Avenue.

Max Tracy: appreciates that the Commission is aware of and investigating a complaint about the new speed bumps on No Champlain St; notifying the Commission that he will introduce a resolution asking DPW to open municipal pumps for consumer use. The resolution will be posted to the City Website tomorrow with the City Council agenda. Councilor Tracy invites commissioners' feedback.

**ITEM 3 – CONSENT AGENDA** (Refer to Commission Packet)

- 3.10 Fletcher Pl to Hungerford Terr – Handicap Sign Relocation  
(Staff recommends that the Commission adopt: 1) The addition of a new "Handicapped Parking" sign in front of, or closest to, 69 Hungerford Terr as shown on the attached drawing. 2) The relocation of the existing "Handicapped Parking" sign from 11 Fletcher Pl to 43 Fletcher Pl as shown on the attached drawing.)
- 3.20 Champlain College Temporary Bus Stop  
(Staff recommends that the Commission adopt: 1) The temporary removal of three unrestricted parking spaces at 237 So Willard St. 2) The temporary addition of a Champlain College bus stop in front of 237 So Willard St. 3) The restoration of three unrestricted parking spaces at 237 So Willard St after construction at Bader Hall is completed.)

**Commissioner Alberry moved** to accept the Consent Agenda with staff's recommendations; Commissioner Barr seconded. Unanimous.

**ITEM 3.5 – KING ST CENTER REQUEST** (Refer to Commission packet)  
(Communication, Damian Roy, Engineer Technologist and Norm Baldwin, City Engineer)

Recommendation: Staff recommends that the Commission adopt: 1) The removal of the existing 15-minute parking spaces on King St. 2) The addition of three 15-minute parking spaces in front of the new King Street Youth Center upon completion of construction. 3) Installing 3-hour metered parking along the entire north side of King St between Pine St and St Paul St. 4) The remainder of the parking on the south side of King St to be made "Resident Only" parking. 5) The relocation of the "No Parking Here To Corner" sign on the north side of King St near St Paul St to 20 feet away from the tangent of curb on King St.

**Commissioner Padgett moved** to adopt staff's proposal for the south side, removing the existing 15-minute space and installing three (3) 15-minute spaces in front of the King Street Youth Center. Assistant Director Baldwin will return to the Commission with the remainder of the plan (for the north side). Commissioner Alberry seconded. Unanimous.

**ITEM 4 – 49 CURTIS AVE TRADES APPEAL – CONTINUANCE** (Refer to Commission packet)  
(Communication, Norman Baldwin, Assistant Director, and Appellant)

Assistant Director Baldwin and Appellant Adam Holt were present. The Commission is being asked - as the appeal board - to provide a continuance to the appeal and not have it heard again as part of the October Commission Meeting Agenda but rather have it revisited as a part of the November Commission Agenda. **Commissioner Padgett moved** to approve the request for a continuance; Commissioner Barr seconded. Unanimous.

**ITEM 5 – SEE ITEM 3.5**

**ITEM 6 – NATIONAL ASSOCIATION OF CITY TRANSPORTATION OFFICIALS (NACTO) URBAN STREETS DESIGN GUIDE** (Presentation, Nicole Losch, Transportation Planner)  
(Refer to Commission Packet)

Ms. Losch gave a presentation on the new design guide which acts as a supplement to other guides. **Commissioner Barr moved** to recommend the adoption of this guide by the City Council; Commissioner Archambeau seconded. Unanimous.

**ITEM 7 - MINUTES OF SEPTEMBER 17, 2014**  
(Refer to Commission packet)

**Commissioner Alberry moved** to accept the minutes as amended; Commissioner Barr seconded. Unanimous.

**ITEM 8 – DIRECTOR'S REPORT** (Chapin Spencer) (Refer to Commission packet)

- North Ave Corridor Study: Staff applied for a grant, which is due October 16, 2014.
- New "smart" parking meters will be installed next week.
- Public meeting scheduled for November 19<sup>th</sup> (separate from the Commission meeting) regarding residential parking.
- Pine St Crashes: Waiting for the police department reports.
- Will be reviewing last month's request by Chris Khamnei regarding parking restrictions on Overlake Pk (Assistant Director Baldwin distributed a Memo to the Commission dated October 14, 2014).
- Assistant Director Baldwin: North Champlain St speed humps: Some of the neighbors along North Champlain St are concerned about perceived increased vehicular speed since the redeveloped speed humps were put in post-paving. Speed counts will be conducted by CCRPC or a private consultant in the next couple of weeks and after a week's worth of data has been collected, the height and shape of the speed humps will be reevaluated. (See Memo from Assistant Director Baldwin to the Public Works Commission, dated October 14, 2014, handed out at the meeting.) Note: A resident dropped off a petition signed by 23 residents asking for speed bumps the same size as those which existed prior to paving. The petition was scanned and e-mailed to all Commissioners.

- Right-of-Way crew has been tackling the backlog of sidewalk repairs and DPW will add a supplemental crew for short runs. A full capital assessment of the sidewalk system (127 miles) will be done by consultant Sally Swanson. Financing strategizing will follow.

## **ITEM 9 – COMMISSIONER COMMUNICATIONS**

Commissioner Archambeau: 1) When will we be addressing open meeting changes? At the November meeting. 2) What about status of sidewalk barriers during construction? Trades and excavation inspectors are working together and talking with contractors prior to the start of a project when construction diverts pedestrian traffic into the road. A good example: the old Dairy Queen site. DPW will continue to work on a written policy. 3) Domain over parking garage space uses: This will be addressed at the November or December meeting. Assistant Director Buteau has been working on this. Commissioner Lavery: Announced his resignation from the Commission, as he has recently accepted a new position with the City which will be demanding. A new chair will be elected at the November meeting.

Commissioner Lavery asked for a motion to hold a brief deliberative session: update on the status of the order for 233 St Paul St Appeal. **Commissioner Alberry made** the motion; Commissioner Barr seconded. Unanimous.

## **ITEM 10 – EXECUTIVE SESSION FOR DELIBERATION OF APPEALS**

After a brief deliberation, Commissioner Barr moved to adjourn; Commissioner Padgett seconded. Unanimous. The commissioners immediately adjourned the Commission meeting (next item).

## **ITEM 11 – NEXT MEETING DATE & ADJOURNMENT**

The next regular DPW Commission meeting is scheduled for Wednesday, November 19, 2014 at 6:30pm. Commissioner Barr moved to adjourn at 8:35pm; Commissioner Padgett seconded. Unanimous.

### **Non-Discrimination**

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

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**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

To: DPW Commissioners  
Fr: Chapin Spencer, Director  
Re: **Director's Report**  
Date: November 5, 2014

**North Champlain Speed Study**

Staff will be sending out a separate communication on the North Champlain speed study that was completed by the Chittenden County Regional Planning Commission last week. This study was undertaken in response to residents' perception that North Champlain Street was experiencing excessive speeds after being repaved and having new speed humps installed with different geometry from the previous speed humps. Because this month's Commission meeting was a week early, we didn't have time to get the memo in the packet. The memo will be sent to those who submitted comments, posted on our website and distributed on Front Porch Forum in advance of the Commission meeting.

**Quick Updates:**

- We are continuing to focus resources on tackling **long-term capital planning**. CIP Manager Martha Keenan has started to compile the capital plans for various asset classes into a city-wide capital plan. Our municipal facility assessment is nearly completed and our city-wide sidewalk assessment is underway. We will plan on a city-wide capital plan presentation to the Commission in early 2015.
- **Construction is continuing on the Waterfront Access North project.** This continues to be a complex project with many issues to be addressed as the project proceeds. The current challenge is the high water table and the contractors' installation of stormwater infrastructure.
- **\$49K of additional sidewalk capital repair work is underway** with All Season's Excavating. Kudos to our Right Of Way staff for reconstructing a tremendous amount of sidewalk this season. Free Press article [here](#).
- **Rapid response to sewer main issues on Main Street.** DPW's ROW crew repaired an initial failure three weeks ago on late Friday night / early Sat morning to avoid traffic impacts. The contract for relining of the 1877-era Main Street pipe (between Church and

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Winooski) and other vulnerable sewer mains passed the Board of Finance this week. The work will get underway soon.

- **DPW's stormwater team secured an EPA grant** to assist the City with long-term planning and prioritization for future capital investments focused on water quality. Free Press article [here](#).
- **Parking changes launched Nov 1<sup>st</sup>**. An automated lane was installed in Marketplace Garage. The new smart meters are up and running. A team of city staff and community partners canvassed downtown last Saturday to assist parkers in learning the new system.
- **Parking Public Forum:** Wednesday November 19th, 7pm @ Contois Auditorium. It is for both the downtown and residential parking studies. A flyer is at the end of the packet. More info [here](#).
- **Team DPW worked successfully with CCTA** to get unanimous City Council approval for the Downtown Transit Center lease agreement. Thanks to Norm Baldwin for all of his work on this.
- **I convened meeting with Public Works leaders from the tri-cities** (BTV, SB, Winooski) along with the CCRPC to discuss regional coordination.
- The **Adopt a Drain** press release went out and was positively received. It is included at the back of the packet. Free Press article [here](#).
- **DPW's draft key initiatives have been prepared** for the beginning of the FY'16 budget process.

**Next DPW Commission Meeting:** Wednesday, December 17<sup>th</sup>, 2014 @ 6:30pm



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS  
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**Chapin Spencer**  
*DIRECTOR OF PUBLIC WORKS*

October 23, 2014

**PRESS RELEASE:**

**Burlington Engages Citizens to Adopt-a-Drain**  
**Local Resident "Drain Defenders" Help Keep Storm Drains Flowing**

Contact: Megan Moir, 802-734-4595, [mmoir@burlingtonvt.gov](mailto:mmoir@burlingtonvt.gov)  
Greg Johnson, 802-233-0263, [gjohnson@burlingtonvt.gov](mailto:gjohnson@burlingtonvt.gov)

The City of Burlington recently joined other communities around the nation by establishing a local Adopt-a-Drain program that enables citizens to adopt a storm drain near their home or business. Clogged storm drains are one of the leading causes of localized street flooding. Empowering citizens to help with this important task will allow City street maintenance crew resources to be directed to other important tasks in the days before and during storm and winter events. Additionally, citizens can keep a watchful eye over their drains to ensure there is no illegal dumping, thereby helping to protect our waterways.

"We all remember the damage flooding has caused during the severe rainstorms over the last couple of years," said Mayor Miro Weinberger. "The City worked hard to make improvements to our stormwater system, and as we see more and more intense storms, we understand that by working with volunteer citizens we can make greater strides. It's rewarding to see opportunities and connections between our local community and our dedicated City team grow, as well as to witness the positive results of these projects."

Adopters agree to check on their storm drains and help keep the tops of their drains clear of leaves and other debris, including ice during the winter months. The program includes a web map of the adoptable drains in the City where interested citizens may sign up as a Drain Defender and then select the storm drains they wish to adopt. When a person adopts a storm drain, they earn the right to name the drain.

To keep Drain Defenders safe, they must read and agree to safety guidelines before signing up. The Adopt-a-Drain program page can be found by visiting: <http://www.burlingtonvt.gov/DPW/ADOPT-A-DRAIN>.

Stormwater Technician Greg Johnson notes, "We suspect that many citizens are already taking care of the drains on their street, but wanted to provide them with a more formal and fun opportunity to engage with their stormwater infrastructure."

An Equal Opportunity Employer

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While the Department of Public Works had long been interested in creating an Adopt-a-Drain program, research performed by the City Hall internship program helped to advance the project. The final development of the online webtool was a collaboration between Stormwater staff and City IT staff person Scott Duckworth.

Drain Defenders also can provide their addresses to receive a “Burlington Stormwater Drain Defender” sticker for their home or car.



**PUBLIC  
MEETING**



CITY OF BURLINGTON  
DOWNTOWN & RESIDENTIAL  
**PARKING INITIATIVE**

**WEDNESDAY**  
NOVEMBER 19

@

BURLINGTON CITY HALL  
**CONTOIS**  
AUDITORIUM

**7:00PM - 9:30PM**

**149 CHURCH ST  
BURLINGTON, VT**

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**WHY**

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**We want your feedback!\*** Come join us to learn about the parking studies and tell us what you think about improving downtown and residential parking in Burlington.



\*You may also post comments online (starting 11/19 until 12/14) at:

**<http://btvparking.maptool.rsginc.com>**

FOR MORE INFORMATION, CONTACT:

**PETER KEATING**

Senior Transportation Planner, CCRPC  
802.846.4490 x14 • pkeating@ccrpcvt.org



**WWW.PARKBURLINGTON.COM**